

## **REMARKS**

An Office Action was mailed November 1, 2007 This response is timely.

**Any fee due with this paper, including any necessary extension fees, may be charged on Deposit Account 50-1290. A refund may be made to Deposit Account 50-1290.**

### **Summary**

Claims 1-9 and 14-19 are pending. Claims 10-13 are cancelled and claims 1-9, 14, 15, 18, and 19 are withdrawn. Thus, claims 16 and 17 are being examined.

### **Restriction**

Restriction was made with newly added claims 14-19. The election of the species of rheumatoid arthritis is hereby affirmed as required by the Examiner.

### **Objections to the Drawings**

The Examiner objects to the drawings. Replacement drawings are provided to obviate the objection. No new matter has been added. Accordingly, the Examiner is respectfully requested to withdraw the objection.

### **Priority of Claim 16 and Rejections made under 35 U.S.C. §112**

The Examiner has accorded claim 16 a priority of June 2, 2000 and refers Applicant to the rejection made under 35 U.S.C. §112, first paragraph for new matter. That rejection, however, discusses solely claim 17 and the rejection of claim 16 is one made with respect to the written description.

It is unclear if the Examiner made a typographical error and meant to state a June 2, 2000 priority date for claim 17. Nevertheless, Applicant respectfully traverses both the conclusion with respect to the priority date and the 35 U.S.C. §112 rejection for claims 16 and 17.

Claim 16. The Examiner rejects claim 16 for reciting “*fragments thereof or some analogue derivatives(s)*” and states that the subject matter is not adequately described. If the Examiner has indeed accorded claim 16 a priority date based on the application’s teaching, a written description rejection is inappropriate since the Examiner has admitted that the subject matter was taught in the specification. Thus, the Examiner is respectfully requested to withdraw the rejection.

However, solely as a matter of expediency, Applicant cancels “*fragments thereof or some analogue derivatives(s)*” from claim 16. The rejection of 35 U.S.C. §112 with respect to written description requirement of claim 16 is now moot. The priority of claim 16 is, thus, the applicant’s original filing date.

Claim 17 stand rejected under 35 U.S.C. §112, first paragraph with respect to the written description requirement and new matter. Solely, as matter of expediency, claim 17 is cancelled. The rejections are moot.

**Rejection under 35 U.S.C. §102(a) and 35 U.S.C. §103(a)**

Claim 16 stand rejected under 35 U.S.C. §102(a) as being known or used in this country and/or stand rejected under 35 U.S.C. §103(a) as being unpatentable over non-patent literature Takeba.

The Examiner is respectfully referred to the upper right-hand corner of the first page of Takeba, reproduced below:

ARTHRITIS & RHEUMATISM  
Vol. 42, No. 11, November 1999, pp 2418-2429  
© 1999, American College of Rheumatology

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Absent other evidence, Takeba has an earliest priority date of November 1, 1999.

Applicant submits that the present application has a foreign priority date of June 4, 1999. A certified copy and a translation thereof will be submitted. In the meantime, a copy of the issued

Spanish priority document is attached. A copy of a translation of the relevant portion is enclosed as well as the translator's attestation. Therein, it will be clearly seen that the subject matter of claim 16 is taught.

Even accepting, in arguendo, the Examiner's priority date for claim 16 of June 2, 2000 based on the PCT filing date, Takeba is an improper reference since it is not one year prior to such a date.

Accordingly, the Examiner is respectfully requested to withdraw the rejections.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,

/Hassan A. Shakir/

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CUSTOMER NUMBER 026304

**Attorney Docket No.: HERR 18.313 (100700-09144)**